



**FILED**

**B1040 (FORM 1040) (12/15)**

DEC 26 2018

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)		
<b>PLAINTIFFS</b> Natasha Michelle Boyland		<b>DEFENDANTS</b> Memphis Wealth Builders, LLC		
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b>		<b>ATTORNEYS (If Known)</b> Adam B. Emerson		
<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b> Plaintiff is seeking an emergency injunctive relief due to Defendant's violation to 11 USC 362. Defendant has received an order granting property of the estate as stated in 11 USC 541. Due to order Plaintiff is seeking an emergency hearing because plaintiff is ordered to evacuate and relinquish possession by January 4, 2019 12 noon. This court has the authority for an injunction under 11 USC 105(a) and Fed. R. Bankr. P. 7065.				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input type="checkbox"/> 14-Recovery of money/property - other   <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property   <b>FRBP 7001(3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)   <b>FRBP 7001(4) – Objection/Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)   <b>FRBP 7001(5) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation   <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny   <div style="text-align: center;">(continued next column)</div> </td> <td style="vertical-align: top; width: 50%; border: none;"> <b>FRBP 7001(6) – Dischargeability (continued)</b>  <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)  <input type="checkbox"/> 65-Dischargeability - other   <b>FRBP 7001(7) – Injunctive Relief</b>  <input type="checkbox"/> 71-Injunctive relief – imposition of stay  <input checked="" type="checkbox"/> 72-Injunctive relief – other   <b>FRBP 7001(8) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81-Subordination of claim or interest   <b>FRBP 7001(9) Declaratory Judgment</b>  <input type="checkbox"/> 91-Declaratory judgment   <b>FRBP 7001(10) Determination of Removed Action</b>  <input type="checkbox"/> 01-Determination of removed claim or cause   <b>Other</b>  <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i>  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)           </td> </tr> </table>			<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ <b>0</b>		
Other Relief Sought Injunction on County Court of Desoto County order issued on December 17, 2018.				

**B1040 (FORM 1040) (12/15)**

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR <b>Natasha Michelle Boyland</b>		BANKRUPTCY CASE NO. <b>18-13983-JDW</b>
DISTRICT IN WHICH CASE IS PENDING <b>Northern</b>	DIVISION OFFICE	NAME OF JUDGE <b>Jason Woodard</b>
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE <b>12/22/2018</b>		PRINT NAME OF ATTORNEY (OR PLAINTIFF) 

**INSTRUCTIONS**

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**FILED**

**DEC 26 2018**

**UNITED STATES BANKRUPTCY COURT**

**NORTHERN DISTRICT OF MISSISSIPPI**

Clerk, U.S. Bankruptcy Court  
Northern District of Miss. ;

**In re:**

Natasha Michelle Boyland

**Case No.: 18-13983-JDW**

**Debtor(s).**

**Chapter 7**

Natasha Michelle Boyland

Plaintiff/Debtor

v.

Memphis Wealth Builders, LLC

Defendant(s)

**EMERGENCY INJUNCTIVE RELIEF**

Natasha Michelle Boyland, plaintiff, moves this Honorable Court for emergency injunctive relief for violation of automatic stay, and in support states the following:

**JURISDICTION AND VENUE**

1. This court has jurisdiction under Title 28 U. S. C. §1334, Bankruptcy case and proceedings, because the automatic stay comes under Title 11 U. S. C. § 362.
2. Plaintiff, Natasha Michelle Boyland filed Chapter 7 Bankruptcy and was issued case number 18-13983-JDW in the Northern District of Mississippi on October 12, 218.
3. Memphis Wealth Builders, LLC is a Mississippi limited liability company and its Mississippi registered agent is Mark Bledsoe 600 Old Highway 51 N #553, Nesbit, MS 38651.
4. Venue is proper because Memphis Wealth Builders, LLC proceeded with a judicial proceeding after being put on notice that a Bankruptcy had been filed. Memphis Wealth Builders, LLC and its attorney Adam B. Emerson also filed another complaint against Debtor on November 30,

2018 to further pursue collection and a judicial proceeding while debtor was under the protection of the Northern District Mississippi Bankruptcy Court's automatic stay.

5. Debtor consents to entry of final orders and judgement by the Northern District Bankruptcy Court in this motion.

6. Under Title 11 U. S. C. 105(a) this court has the authority to issue an order to carry out provisions for this title even if that includes enjoining the actions of another court.

7. Under Fed. R. Bankr. P. 7065 this court has the authority to issue an injunction relief.

#### **FACTUAL BACKGROUND**

8. Plaintiff filed a Bankruptcy Petition on October 12, 2018 in the Northern District of Mississippi.

9. On October 12, 2018 plaintiff filed copy of Notice of Bankruptcy with the Desoto County Justice Court in Southaven, MS for case number 1083106 (see exhibit 1).

10. On October 12, 2018 plaintiff mailed a copy of notice to listed creditor Memphis Wealth Builders, LLC and according to U. S. mail records for tracking number 9505 5139 6118 8285 2667 07 the notice was delivered on October 13, 2018.

11. On October 16, 2018 an order was issued in favor of Memphis Wealth Builders, LLC from Desoto County Justice Court for eviction. (see exhibit 2)

12. On October 25, 2018 plaintiff filed for a motion to set aside judgement. (see exhibit 3) On November 13, 2018 the motion was denied by Desoto County Justice Court.

13. On November 15, 2018 plaintiff filed an appeal in the County Court of Desoto County, case number CO2018-1979CD. (see exhibit 4)

14. On December 17, 2018 the County Court of Desoto County issued an order for plaintiff to evacuate property at 4414 Wrenwood Drive, Horn Lake, MS 3863, where plaintiff now resides, by noon on Friday, January 4, 2019. (see exhibit 5)

15. Memphis Wealth Builders, LLC and Plaintiff does not have a tenant/landlord relationship.

16. Affidavit of Truth includes the above statements. (see exhibit 6)

#### **BASIS FOR EMERGENCY RELIEF**

17. Memphis Wealth Builders, LLC was under an automatic stay at the time the plaintiff filed bankruptcy according to Title 11 U. S. C. § 362 (a).

18. Memphis Wealth Builders, LLC should have dropped complaint filed with the Desoto County Justice Court once they were provided with the Notice of Bankruptcy and the hearing on October 16, 2018 should not have proceeded. This constitutes a violation of Title 11 U. S. C. § 362 (a)(1)(6).

19. Memphis Wealth Builders, LLC should not have filed another complaint in the County Court of DeSoto Court on November 30, 2018 without the permission of this court since they were under the automatic stay. This constitutes a violation of Title 11 U.S.C. § 362 (a)(1).

20. Since Memphis Wealth Builders, LLC and plaintiff did not have a tenant/landlord relationship there are no rights under Title 11 U. S. C. § 362(b) for Memphis Wealth Builders, LLC to proceed with a judicial proceeding for eviction and/or unlawful detainer.

#### **IMMEDIATE INJUNCTION RELIEF IS APPROPRIATE**

Memphis Wealth Builders, LLC should have followed the rules surrounding an automatic stay. Although Memphis Wealth Builders, LLC did not comply with the Notice of Bankruptcy the filing of the Notice into state court should have stopped the proceeding or the Desoto County Justice court should have followed the suggestion of the Mississippi Supreme Court; “1. The debtor should file a suggestion of bankruptcy and a certified copy of the bankruptcy petition with the clerk of the state court in which litigation is pending; 2. the state court should stay all actions until it is shown that the litigation is no longer stayed by 11 U.S.C. § 362 or that the stay has been lifted by the bankruptcy court; 3. the state court should consider deferring close questions involving the applicability of exceptions to the automatic stay under 11 U.S.C. § 362(b) to the bankruptcy court. *See Overbey v. Murray*, 569 So. 2d 303 (Miss. 1990).

Memphis Wealth Builders, LLC argument to the County Court of Desoto County is that plaintiff no longer has interest in the property and the property is no longer apart of plaintiff's estate. Plaintiff stated in Motion to Dismiss complaint in County Court that according to Title 11 U.S.C. §541 the property is that of the estate because debtor is in possession of the property. Title 11 U.S.C. 362 (b) “applies only if the prepetition judgment for possession relates to rental property in which the debtor resides under a lease or rental agreement. It does not apply, for example, to an eviction judgment obtained by a purchaser of property at foreclosure who does not have a lease or rental agreement with a debtor occupying the property.” 3 COLLIER ON BANKRUPTCY ¶ 362.05[20] (16th ed. 2016). Counsel for Memphis Wealth Builders, LLC admitted on record during December 17, 2018 proceeding that there is no lease or rental agreement. It has been established that if a debtor is in possession of property that property is consider property of the estate. *See In re Washington 17-00048-NPO (Bankr. S.D. Miss Jun. 17, 2017)*.

Debtor wishes for this court to enter an injunction directing the County Court of Desoto County to void judgement against the debtor.

Dated 22<sup>nd</sup> day of December 2018.

  
Natasha Michelle Boyland  
4414 Wrenwood Drive  
Horn Lake, MS 38637  
901-406-8502

United States Bankruptcy Court  
Northern District of Mississippi

**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 10/12/2018 at 08:26 AM and filed on 10/12/2018.

**Natasha Michelle Boyland**  
4414 Wrenwood Dr  
Horn Lake, MS 38637  
SSN / ITIN: xxx-xx-2872



The bankruptcy trustee is:

**Jeffrey A. Levingston**  
P.O. Box 1327  
Cleveland, MS 38732  
662-843-2791

The case was assigned case number 18-13983-JDW to Judge Jason D. Woodard.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.msnb.uscourts.gov> or at the Clerk's Office, Cochran U.S. Bankruptcy Courthouse, 703 Highway 145 North, Aberdeen, MS 39730.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**FILED**

**OCT 12 2018**

*Patricia J. D.*  
JUSTICE COURT CLERK, DESOTO COUNTY, MS

**Shallanda J. Clay**  
**Clerk, U.S. Bankruptcy**  
**Court**

CASE# 1083106 JUSTICE COURT CIVIL DOCKET BOOK PAGE  
1137 514

STYLE OF SUIT

CHARACTER OF SUIT

MEMPHIS WEALTH BUILDERS, LLC  
PO BOX 558

-VS-

BOYLAND, NATASHA  
4414 WRENWOOD  
HORN LAKE MS 38637  
BOYLAND, DARRON  
4414 WRENWOOD  
HORN LAKE MS 38637

EVICTON  
COURT COST 74.00  
OTHER 1.85

TOTAL DEMANDED : 75.85

Written Statement of Cause of Action, filed this  
the 27th day of September A.D., 2018.

IND OF PROCESS --ISSUED-- --RETURNED-- DIRECTED TO RETURNED BY

SUMMONS TO TENANT 9/27/2018 BOYLAND, DARRON  
SUMMONS TO TENANT 9/27/2018 BOYLAND, NATASHA

JUDGEMENT

This cause this day coming on to be heard, the court hereby ordered and  
adjudged that judgement be entered in favor of the PLAINTIFF DEFENDANT.

It is therefore the Judgement of this Court that the PLAINTIFF DEFENDANT  
is hereby ordered: To Pay: \$ 75.85

☒ Judgement for Plaintiff ☒ Default Judgement  
☒ Immediate Eviction ☐ Eviction No Later Than  
☐ Replevin granted ☐ Replevin denied

Defendant ordered to return property within five days of this  
order or monetary judgement awarded.  
Property:

Trial  
Agreed Order: Plaintiff Defendant  
Dismissed with prejudice Dismissed without prejudice  
Bankruptcy filing Dismissed both parties failed to appear  
Settled out of court Case continued to

Ordered and adjudged this the 16 day of October, 2018

Def Default List of Bankrupt  
didn't List Plaintiff for Bankrupt

JUSTICE COURT JUDGE (04)

RECT # AMOUNT DATE RECT # AMOUNT DATE  
365064 74.00 9/27/2018  
EITHER PARTY HAS A 30-DAY APPEAL RIGHT.

"Exhibit 2"



Received From: MEMPHIS WBUILDERS, LL C the sum of: 50.00

For: SET A SIDE HEARING

is hereby acknowledged; said sum being paid in cause styled:

MEMPHIS WEALTH BUILDERS, LLC -VS- NATASHA BOYLAND  
DARRON BOYLAND

in the court of the undersigned and that said sum so paid is for and on  
account of the following:

SET A SIDE HEARING

**CIVIL ACCOUNT:**

POST JUDGMENT -CLERK FEE	15.00	
<b>TOTAL CIVIL ACCOUNT:</b>		<b>15.00</b>

**CLEARING ACCOUNT:**

Desoto County Constable Fee.	35.00	
<b>TOTAL CLEARING ACCOUNT:</b>		<b>35.00</b>

<b>TOTAL.....</b>	<b>50.00</b>	<b>CD</b>
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Check/Reference #: M19390 C19391

Received This Date..... 10/26/2018

By: DEBBIE RUTHERFORD

Book/Page....1137- 514

Court Date: ~~10/16/2018~~ 9:00 A

DR

Court Clerk

10/25/2018

11.13.18 @ 9:00 Am.

16:31:52

- \* IT IS YOUR RESPONSIBILITY TO CONTACT JUSTICE COURT AT (662) 469-8026 \*
- \* 24 HOURS PRIOR TO COURT TO CHECK STATUS OF SERVICE. \*
- \* IT IS THE PLAINTIFF'S RESPONSIBILITY TO PROVIDE THE COURT WITH A \*
- \* RETURN OF SERVICE ON ANY OUT-OF-STATE SUMMONS WITHIN 5 DAYS PRIOR \*
- \* TO THE COURT DATE AND ANY OUT-OF-STATE GARNISHMENTS WITHIN 10 DAYS. \*

"Exhibit 3"

FEE BILL, CIVIL CASES, COUNTY COURT

State of Mississippi  
DeSoto County

NATASHA BOYLAND V MEMPHIS WEALTH BUILDERS

Case #	CO2018-1979CD	Acct #	Paid By	Rct#	88007
-----					
		CLERK'S FEE	85.00		
		JURY TAX	3.00		
		COURT REPORTER FEE	10.00		
		LAW LIBRARY	2.50		
		ST COURT EDUCATION	2.00		
		CONSTITUENT FEE	.50		
		COURT ADMIN FEE	2.00		
		LEGAL ASSISTANCE	5.00		
		ELECTRONIC FILING	10.00		
		APPEALS	75.85		
		JUDICIAL FUND	40.00		

=====  
Total \$ 235.85  
-----

Payment received from NATASHA BOYLAND

Transaction 251834 Received 11/15/2018 at 8:31 Drawer 2 I.D. RPW

Current Balance Due \$0.00 Receipt Amount \$ 235.85

By BS D.C. Dale K. Thompson, Circuit Clerk

Case # CO2018-1979CD Acct # Paid By Rct# 88007

"Exhibit 4"

IN THE COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI

MEMPHIS WEALTH BUILDERS, LLC

PLAINTIFF,

VS.

CAUSE NO.: 2018 - 1979

NATASHA BOYLAND, DARRON BOYLAND,  
JOHN DOES 1-5 AND ANY OTHER OCCUPANTS

DEFENDANTS

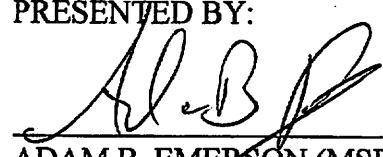
ORDER FOR POSSESSION

THIS CAUSE CAME on this day to be heard before the Court upon the *Complaint* [1] and upon service of process upon the Defendants, NATASHA BOYLAND and DARRON BOYLAND, in the manner prescribed by law, and the Court hearing proof of the Plaintiff and being advised in the premises finds that the Plaintiff is record owner of the property and is entitled to possession of the property located at 4414 Wrenwood Drive, Horn Lake, MS 38637. The Defendants, Natasha and Darron Boyland are to evacuate the premises and relinquish possession completely before January 4, 2019 at noon.

SO ORDERED AND ADJUDGED this the 17<sup>th</sup> day of December, 2018.

  
COUNTY COURT JUDGE

PRESENTED BY:

  
ADAM B. EMERSON (MSB #102258)  
BRIDGFORTH, BUNTIN & EMERSON, PLLC  
*Attorney for Plaintiff*

Received COPY  
by Natasha Boyland UCC 1-308  
by Darron Boyland

**FILED**  
DESOTO COUNTY, MS

DEC 17 2018

  
CIRCUIT COURT CLERK

"Exhibit 5"

**AFFIDAVIT OF TRUTH**

**Mississippi State** )

)

**County of DeSoto** )

**“Indeed, no more than (affidavits) is necessary to make the prima facie case.”**

United States v W Kis. 658 F. 2<sup>nd</sup>, 526, 536-37 (7<sup>th</sup> Cir. 1981), Cert Denied, 455 U.S. 1018, 102 S. Ct. 1712, 72 L. Ed. 2d 135 (1982)

That I, Natasha Boyland, herein “Affiant,” being first duly sworn, depose, say and declare by my signature that the following facts are true, correct and complete to the best of my knowledge and belief.

That, Affiant is competent to state the matters included in her declaration, has knowledge of the facts, and declared that to the best of her knowledge, the statements made in her affidavit are true, correct, and not meant to mislead.

That, Affiant is currently in possession of property located at 4414 Wrenwood Drive, Horn Lake, MS 38637.

That, Affiant does not have a landlord/tenant relationship with Memphis Wealth Builders, LLC.

That, Affiant provided Memphis Wealth Builders, LLC with a copy of the Notice of Bankruptcy filing by U. S. Mail with tracking number 9505 5139 6118 8285 2667 07, mailed on October 12, 2018.

That, Affiant provided Desoto County Justice Court with a copy of the Notice of Bankruptcy filing on October 12, 2018 to add to case number 1083106.

That, Memphis Wealth Builders, LLC and Desoto County Justice Court proceeded with case although they had received Notice of Bankruptcy filing.

That, on October 16, 2018 Desoto County Justice Court ruled in favor of Memphis Wealth Builders, LLC to evict Affiant from property of the estate.

That, Affiant paid \$50.00 to Desoto County Justice Court to set aside ruling in favor of Memphis Wealth Builders, LLC on October 25, 2018.

That, Desoto County Justice Court did not rule in favor of Affiant in set aside hearing held on November 13, 2018.

That, Affiant paid \$235.85 to County Court of Desoto County for appeal of the Desoto County Justice Court ruling, on November 15, 2018.

“Exhibit 6”

That, Affiant received a complaint from Memphis Wealth Builders, LLC filed by their attorney Adam B. Emerson for Unlawful Detainer on December 3, 2018.

That, Affiant provided County Court of Desoto County with a copy of the Notice of Bankruptcy filing on December 12, 2018 for case number CO2018-1979(CD).

That, on December 17, 2018 County Court of Desoto County ruled in favor of Memphis Wealth Builder, LLC to obtain possession of property of the estate although they had Notice of Bankruptcy filing.

That, County Court of Desoto County has ordered Affiant to evacuate and relinquish possession of property of the estate completely before January 4, 2019 at 12 noon.

Affiant has nothing further to state at this time.

As affirmation, I affirm that in accordance with the best of Affiant's firsthand knowledge and conviction the forgoing is true, correct, and not misleading.

Dated this 22<sup>nd</sup> day of December, 2018

Without Prejudice

*Natasha Michelle Boyland*

Natasha Michelle Boyland  
4414 Wrenwood Drive  
Horn Lake, MS 38637  
901.406.8502  
[nmboyland@icloud.com](mailto:nmboyland@icloud.com)

SUBSCRIBED TO AND SWORN before me this 22<sup>nd</sup> day of December, A.D. 2018, a Notary, that Natasha Boyland personally appeared and proved her identity to me to my satisfaction whose name subscribed to this Affidavit and acknowledge to be the same.

*Martha S. Reynolds*  
Notary

